



FEDERAL ELECTION COMMISSION
Washington, DC 20463

DISSENTING OPINION IN ADVISORY OPINION 1982-36

of

COMMISSIONER THOMAS E. HARRIS

I disagree with that part of Advisory Opinion 1982-36 that concludes that a trade association's separate segregated fund may accept merchandise from its corporate members to be used to defray the fund's solicitation costs.

As I stated in my dissent to Advisory Opinion 1980-59, a member of a trade association should not be allowed to earmark donations, over and above regular membership dues, to defray the operational, administrative, and solicitation expenses of the association's PAC. The Commission has interpreted the Act and the regulations to permit a corporate member to provide "incidental services" to the trade association in support of its solicitation program. But the donation of corporate merchandise is more than "incidental" support and is not permissible under the Act and regulations.